

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BARBARA J. KING,

Plaintiff,

v.

DECISION AND ORDER
14-CV-974-A

TERENCE JAMES, Individually and as Assistant
General Manager and Human Resources;
UNIQUEST HOSPITALITY, LLC,

Defendants.

This action was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On November 18, 2016, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 28) recommending that defendant Uniquet Hospitality's motion pursuant to Fed. R. Civ. P. 56 for summary judgment (Dkt. No. 21) be granted, except with respect to plaintiff Barbara King's Equal Pay Act claim, 29 U.S.C. § 206(d) *et seq.*, and except with respect to her retaliation claims, 42 U.S.C. § 2000e-3(a); N.Y. McKinney's Executive Law § 290 *et seq.*, to the extent the retaliation claims relate to the elimination of the Guest Ambassador position, without prejudice to defendant's ability to file a renewed summary judgment motion as to these retaliation claims following a limited period of discovery. The Report and Recommendation further recommends defendant Terence James' motion for summary judgment (Dkt. No. 21) be granted.

The Court has carefully reviewed the Report and Recommendation, the objections, responses, and replies submitted by the parties, and upon *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED, pursuant to 28 U.S.C. § 636(b)(1), that the Report and Recommendation (Dkt. No. 28) of Magistrate Judge Roemer is hereby accepted in full and adopted as the ruling of the Court upon the Defendants' motion for summary judgment (Dkt. No. 21), and it is further

ORDERED that the case is recommitted to Magistrate Judge Roemer for the completion of pretrial proceedings consistent with the Court's prior Text Order Referring Case. Dkt. No. 20.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 10, 2016